IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Bail Appl..No. 7158 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.6655/2007 Dated 31/10/2007.
CRIME NO.41/07 OF AGALI EXCISE RANGE
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PETITIONER/ACCUSED

GEORGE,S/O.LATE KURIAN
AGED 34 YEARS
PANDIKKAD HOUSE, KALLAMALA, KALLAMALA VILLAGE
MANNARKKAD, PALAKKAD DISTRICT.

BY ADV. SRI.V.A.AJAI KUMAR

RESPONDENTS: COMPLAINANT
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1. **STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM.**

2. **THE EXCISE INSPECTOR AGALI EXCISE RANGE, AGALI,MANNARKKAD.**

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7158 of 2007

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Dated this the 21st day of November, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner had come to this Court twice earlier, once with an application for anticipatory bail and later with an application for regular bail. Those applications were dismissed as per orders dt. 9.10.07 in BA 6122 of 2007 and dt.31.10.2007 in B.A. 6655 of 2007. He continues in custody from the date of his surrender, i.e. 25.10.2007. The alleged incident took place on 26.9.2007. The petitioner was allegedly found to keep in his possession 800 litres of wash. Petitioner has no criminal antecedents, reports the learned Prosecutor.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer on condition that the Investigator is given reasonable further time to complete the investigation and I am satisfied that the petitioner can now

be directed to be enlarged on bail subject to appropriate terms and conditions.

3. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 1.12.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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